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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,078	04/14/2000	Junichi Yoshio	041465-5077	9335

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EXAMINER

FAULK, DEVONA E

ART UNIT PAPER NUMBER

2644

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/550,078

Applicant(s)

YOSHIO ET AL.

Examiner

Devona E. Faulk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 9/28/2004, with respect to the rejection(s) of claim(s) 1,5,7,11 and 13 under 103 (a) and claims 2-4,8-10 under 112, first paragraph have been fully considered and are persuasive. Therefore, the 112 rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Kobayashi.

2. Applicant's arguments, filed 9/28/2004, with respect to rejection(s) of claim(s) 1,5,7,11 and 13 under 102 (e) and 103(a), are persuasive only in that the amended claim language of "for a predetermined amount which is set in advance" is not met by the prior art. However, upon further consideration, a new ground of rejection is made in view of Kobayashi.

3. Applicant's arguments filed 9/28/2004 have been fully considered but they are not persuasive. The applicant has asserted, on page 11, lines 10-20) that prior art Kondo does not teach or suggest the limitations of independent claims 1 and 7 because the claim language recites that extracting process and extracting device performs extracting of the output control information from each of the partial-audio information units, such as audio pack 230". Additionally the applicant asserts that the output control data is included in a private header and regarding claim 2, gives examples of what the first and second output control information includes. The examiner asserts that the recited claim language does not specify that the partial-

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audio information unit is an audio pack nor that the output control data is included in a private header, and that the first and second output control data include the data specified on page 13 of the arguments.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1,5,6,7,11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (U.S. Patent 6,618,396) in view of Kobayashi et al. (U.S. Patent 6,144,411).

Regarding claims 1,7 and 13 Kondo discloses an information converting method of converting audio information, which comprises a plurality of partial-audio information based on a predetermined record standard in each of which output control information to control a state of the audio information at a time of outputting the audio information to an external portion is included, into transmission information to be transmitted through a data bus based on a predetermined transmission standard (Figure 1, IEEE 1394 Standard), said method comprising:

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an extracting process of extracting the output control information from each of the partial-audio information (1301, header analyzer; column 23, lines 62-67);

a dividing process of dividing the audio information for a predetermined so as to transmit the transmission information through the data bus, to thereby generate divided-audio information (column 17, lines 3-5; encoder (103);

a generating process of adding the extracted output control information onto the generated divided-audio information to thereby generate an information unit for transmitting the audio information through said data bus (105, packet generating device, 105; column 17, lines 13-15); and

an outputting process of generating the transmission information by using a plurality of the generated information units and outputting the generated transmission information onto said data bus (data transmitter 107; column 17, lines 14-17).

Regarding claim 13, Kondo further teaches of a reproducing device for reproducing the audio information (receiving end, TV; Figure 39)

Kondo fails to disclose that there is a predetermined format established for transmission (corresponds to claim language "which is set in advance). It is known and more common in the art to have a predetermined format as claimed. The concept of having a predetermined format was well known at the time of filing as taught by Kobayashi. Kobayashi discloses image processing apparatus with format conversion using an IEEE 1394 (Figure 1) interface and using a

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predetermined format (column 8, lines 30-49; column 6, lines 4-16).

He further teaches that this can be done for audio (column 8, lines 30-49). Thus it would have been obvious to one of ordinary skill in the art to have a predetermined transmission format in order to facilitate faster processing.

Claim 5 claims the information converting method of claim 1, wherein the predetermined transmission standard is an IEEE (Institute of Electrical and Electronic Engineers) 1394 standard and the data bus comprises a serial data bus through which the transmission information is transmitted in accordance with the IEEE 1394 standard, and said information unit comprises one portion of an isochronous packet based on the IEEE 1394 standard. As stated above apropos of claim 1, Kondo anticipates all elements of claim 1. Kondo further teaches of the IEEE 1394 I/F as the transmission method. Isochronous transfer is a communication method for used by data transmission, which must be made in real time as is typical of audio/video data (column 1, lines 30-32). Kondo teaches of an isopacket (Figure 19(a)). Therefore, Kondo anticipates all elements of claim 5.

Claim 6 claims the information converting method of claim 1, wherein the predetermined record standard is a DVD audio standard, the partial-audio information comprises an audio pack based on the DVD audio standard and the output control information comprises information in a private header based on the DVD audio standard. As stated above apropos of claim 1, Kondo meets all elements of claim 1. Therefore, Kondo meets all elements of claim 6 with the exception of

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the claim matter. Kondo teaches that of using the DVD-video standard (column 19, line 61). Since the transmitting device is capable of audio processing as well, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the DVD-audio standard for the benefit of increasing the capability and functionality of the device.

Claim 11 claims the information converting method of claim 7, wherein the predetermined transmission standard is an IEEE (Institute of Electrical and Electronic Engineers) 1394 standard and the data bus comprises a serial data bus through which the transmission information is transmitted in accordance with the IEEE 1394 standard, and said information unit comprises one portion of an isochronous packet based on the IEEE 1394 standard. As stated above apropos of claim 7, Kondo anticipates all elements of that claim. Kondo further teaches of the IEEE 1394 I/F as the transmission method. Isochronous transfer is a communication method for used by data transmission which must be made in real time as is typical of audio/video data (column 1, lines 30-32). Kondo teaches of an isopacket (Figure 19(a)). unit would comprise some portion of an isochronous packet. Therefore, Kondo anticipates all elements of claim 11.

Claim 12 claims the information converting method of claim 1, wherein the predetermined record standard is a DVD audio standard, the partial-audio information comprises an audio pack based on the DVD audio standard and the output control information comprises information in a private header based on the DVD audio standard. As

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stated above apropos of claim 7, Kondo meets all elements of that claim. Therefore, Kondo meets all elements of claim 12 with the exception of the claimed matter. Kondo teaches that of using the DVD-video standard (column 19, line 61). Since the transmitting device is capable of audio processing as well, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the DVD-audio standard for the benefit of increasing the capability and functionality of the device.

Claim Objections

6. Claims 2-4,8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to information converting methods and devices in general:

U.S. Patent No. 5,933,430 to Osakabe et al.

U.S. Patent No. 6,370,322 to Horiguchi et al.

U.S. Patent No. 6,618,551 to Tanaka et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE**

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FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 703-305-4359. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

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DF

SINH TRAN
SUPERVISORY PATENT EXAMINER